

Message Text

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ACTION IO-14

INFO OCT-01 NEA-10 ISO-00 CIAE-00 DODE-00 PM-05 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02
SS-15 USIA-06 AF-10 ARA-10 EA-10 EUR-12 OIC-02
HA-05 OMB-01 EB-08 TRSE-00 CU-04 HEW-04 DIWY-01
/138 W

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R 232300Z DEC 77
FM USMISSION USUN NEW YORK
TO SECSTATE WASHDC 8897
INFO AMEMBASSY NEW DELHI

C O N F I D E N T I A L SECTION 1 OF 2 USUN 5822

E.O. 11652: GDS
TAGS: SHUM, UNGA, IN
SUBJECT: SEEKING INDIAN SUPPORT FOR THE HIGH COMMISSIONER FOR
HUMAN RIGHTS PROPOSAL

REF: USUN 5671

1. SUMMARY: UPCOMING VISIT OF PRESIDENT CARTER TO INDIA
MAY OFFER OPPORTUNITY TO INITIATE CONSULTATIONS WITH GOI
ON HIGH COMMISSIONER FOR HUMAN RIGHTS THAT COULD STRENGTHEN
THE PROPOSAL BOTH SUBSTANTIVELY AND POLITICALLY. END
SUMMARY

2. THE GENERAL CONCLUSION BY CLOSE OBSERS AND PARTICIPANTS
IN THE STRUGGLE FOR THE HIGH COMMISSIONER FOR HUMAN RIGHTS THIS
YEAR ARE: 1) THAT THE EXTENSIVE DEBATE AND CONSULTATIONS
RECENTLY CONDUCTED GENERATED AN EMERGING CONSENSUS THAT SOMETHING
MUST BE DONE TO GIVE THE HUMAN RIGHTS EFFORTS OF THE UNITED
NATIONS MORE PRESTIGE AND VISIBILITY; 2) THAT THE RESOLUTUION
ESTABLISHING THE POST WOULD HAVE PASSED THIS YEAR HAD IT BEEN
ALLOWED TO COME TO A VOTE, 3) THAT THE CHIEF OPPONENTS OF THE
ISEA (USSR, CUBA) BOTH RECOGNIZE THE HANDWRITING ON THE
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WALLAND ARE INTERESTED IN WEAKENING ANY NEW POST SINCE
THEY CONSIDER IT LESS COSTLY TO DO THIS THAN TO
TRY TO STONEWALL IT; AND 4) THAT IT WILL BE DIFFICULT
BUT NOT IMPOSSIBLE TO REGAIN THE MOMENTUM AND INTEREST
THAT WAS BUILT AROUND THIS ISSUE AT THIS YEAR'S GA.

3. AS PREVIOUSLY REPORTED, FOR TACTICAL REASONS

THIS YEAR US DID NOT GET OUT FRONT OF THE EFFORT TO PASS THE RESOLUTION, THOUGH WE WERE VERY ACTIVE-ESPECIALLY THE LAST FOUR WEEKS. (OBVIOUSLY, HOWEVER, THE PRESIDENT'S REFERENCE TO THE HIGH COMMISSIONER IN HIS MARCH 17TH SPEECH WAS WHAT TRIGGERED THE WHOLE EFFORT). THE NATIONS THAT TOOK THE LEADERSHIP THIS YEAR WILL PROBABLY NEED TO BE SUBSTANTIVELY RE-ENFORCED IF THE MOMENTUM IS TO BE BUILT UP FOR THE HUMAN RIGHTS COMMISSION MEETING IN FEB, MARCH AND FOR ECOSOC AND 33RD GA. FOR THIS REASONS, USUN BELIEVES THAT THE US MIGHT WANT TO ASSUME A LEADERSHIP ROLE NOW IN BOTH LOOKING AT SUBSTANCE OF RESOLUTION AND PUTTING TOGETHER AN EVEN BROADER BASE OF POLITICAL SUPPORT.

4. THE DEBATE AND CONSULTATIONS-AND LATER EVALUATIONS- HAVE PRODUCED SOME NEW IDEAS AND SUGGESTIONS FOR ACHIEVING THE SAME GOALS AS INTENDED IN THE HIGH COMMISSIONER RESOLUTION: (L.25) IN PERHAPS A BETTER WAY. A TENTATIVE SUMMARY OF SOME OF THESE IDEAS FOLLOWS:

A) THAT THE WHOLE HUMAN RIGHTS MACHINERY AT THE UN NEEDS TO BE LOOKED AT, AND NOT JUST THE CREATION OF THE POST OF HIGH COMMISSIONER. COMMENT. THIS IS NO DOUBT TRUE, BUT IT WILL PROBABLY BE MORE USEFUL IF A "LIKE-MINDED" GROUP REPRESENTING SEVERAL REGIONS WERE INFORMALLY CONSTITUTED TO PRODUCE A PROPOSAL RATHER THEN JUST ANOTHER UN STUDY. END COMMENT.

B) THAT THE NAME "HIGH COMMISSIONER, " TO WHICH THE SOIVETS CONFIDENTIAL

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OBJECT BECAUSE TO THEM IT INDICATES A "SUPER-GOVERNMENT" ABOVE STATES-MEMBER GOVERNMENTS, MIGHT BE USEFULLY CHANGED TO "UNDERSECRETARY GENERAL FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS." (UNDERSECRETARY GENERAL BUFFUM HAS ASSURED AMBASSADOR LEONARD OF HIS SUPPORT FOR THIS IDEA). THIS NEW POST WOULD COORDINATE THE HUMAN RIGHTS AND HUMANITARIAN EFFORTS OF THE SECRETARIAT, AND WOULD PERHAPS BE RELATED TO A "HUMAN RIGHTS AND HUMANITARIAN AFFAIRS COUNCIL" TO SUPERSEDE THE TRUSTEESHIP COUNCIL SHOULD THAT EVER BECOME FEASIBLE. OR THE UNDERSECRETARY COULD BE THE STAFF LIAISON (AMONG OTHER TASKS) WITH A "HUMAN RIGHTS BOARD" OF SEVERAL OMBUDSMAN-LIKE INDEPENDENT DISTINGUISHED EXPERTS NAMED BY THE SYG.

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 5822

C) THAT THE HUMAN RIGHTS COMMISSION BE RE-CONSTITUTED (NOW THAT THE HUMAN RIGHTS COMMITTEE HAS COME INTO BEING), AND BE COMPOSED OF PERHAPS FIVE INDEPENDENT, DISTINGUISHED OMBUDSMAN-LIKE EXPERTS NAMED BY THE SYG, WITH THE UNDERSTANDING THAT NONE WOULD BE FROM ANY OF THE FIVE PERMANENT MEMBERS OF THE SECURITY COUNCIL.

5. THE UPCOMING VISIT OF THE PRESIDENT TO INDIA OFFERS A SUPERB OPPORTUNITY TO RAISE AT THE HIGHEST LEVEL THE POSSIBILITY OF JOINT CONSULTATIONS ON THE PROPOSAL FOR A HIGH COMMISSIONER. A CONTACT GROUP OF THE US, COSTA RICA, NORWAY, NIGERIA, SENEGAL, ITALY, AUSTRALIA, AND INDIA COULD THEN SEEK TO DEVELOP A MUTUALLY ACCEPTABLE, STRONG PROPOSAL WHICH COULD BE PRESENTED TO THE HRC IN FEBRUARY. (SENEGAL, INDIA, U.S., ITALY AND NIGERIA ARE MEMBERS OF THE HRC THIS YEAR). (COSTA RICA, ITALY, NORWAY AND AUSTRALIA COMPOSED THE CONTACT GROUP THIS YEAR AT THE GA.) THE AGENDA FOR SUCH HUMAN RIGHTS CONSULTATIONS MIGHT INCLUDE:

A) PRIORITIES IN THE UN STRUGGLE TO PROMOTE HUMAN RIGHTS- MAYBE LOOKING FORWARD TO CLARIFICATION OF L.17. (SEE REFTEL).
B) PROPOSALS FOR BETTER COORDINATION AND ORGANIZATION OF THE HUMAN RIGHTS PROGRAM OF THE UNITED NATIONS, INCLUDING
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- 1) HIGH COMMISSIONER FOR HUMAN RIGHTS.
- 2) TRANSFORMATION OF THE TRUSTEESHIP COUNCIL INTO THE HUMAN RIGHTS AND HUMANITARIAN AFFAIRS COUNCIL.
- 3) UNDERSECRETARY GENERAL FOR HUMAN RIGHTS AND HUMANITARIAN AFFAIRS.
- 4) OMBUDSMAN BOARD OF HUMAN RIGHTS EXPERTS.
- 5) REGIONAL COMMISSIONS FOR HUMAN RIGHTS.

6. SPECIFICALLY ON THE HIGH COMMISSIONER PROPOSAL, IN THE

THRID COMMITTEE THIS YEAR INDIA VOTED TO POSTPONE AND WOULD HAVE ABSTAINED ON THE HIGH COMMISSIONER RESOLUTION ITSELF, WHILE NIGERIA WOULD PROBABLY HAVE VOTED FOR , BUT DID NOT TAKE ANY LEAD. IF THESE TWO NATIONS, PLUS THE US JOIN THE CONTACT GROUP, THE PROPOSAL THEY AGREE UPON WILL BE BOTH SOUND AND POLITICALLY NEARLY INVINCIBLE.

7. RECOMMENDATION: THAT THE DEPARTMENT CONSIDER ASKING THE PRESIDENT, ON HIS UPCOMING TRIP, APPROACH THE GOI AT THE HIGHEST LEVEL, INVITING THEM TO ENTER INT CONSULTATIONS WITH US BI-LATERALLY ASAP, I.E., BEFORE THE HRC MEETING IN FEBRUARY-MARCH, SPECIFICALLY ON THE HIGH COMMISSIONER FOR HUMAN RIGHTS PROPOSAL.
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